

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OSCAR GILBERTO PATINO,

Petitioner,

v.

CRAIG KOENIG,

Respondent.

Case No. 19-cv-04462-SVK

ORDER TO SHOW CAUSE

Re: Dkt. No. 1

Petitioner, a prisoner of the State of California, filed a habeas corpus petition pursuant to 28 U.S.C. § 2254. Dkt. 1. Petitioner has paid the \$5.00 filing fee. His petition sets forth two claims challenging the constitutionality of his conviction in state court: (1) improper admission of expert testimony in violation of Petitioner's right to due process and a fair trial under the Fourteenth Amendment; and (2) ineffective assistance of counsel in violation of Petitioner's Sixth and Fourteenth Amendment Rights.

These claims, when liberally construed, are cognizable and potentially meritorious. Good cause appearing, Respondent is hereby ordered to show cause why the petition should not be granted.

To facilitate resolution of this case, it is further ordered as follows:

1. Petitioner shall serve Respondent and Respondent's attorney, the Attorney General of the State of California, with a copy of this order and the petition with all attachments.
2. The Clerk shall send a notice to Respondent regarding consenting to or declining the jurisdiction of a magistrate judge.
3. Consistent with Habeas Local Rule 2254-6, Respondent shall file with the Court and serve on Petitioner, within 60 days of service of the petition and this order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases,

1 showing cause why a writ of habeas corpus should not be granted based on the claims
2 found cognizable herein. Respondent shall file with the answer and serve on Petitioner
3 a copy of all portions of the state trial record that have been transcribed previously and
4 that are relevant to a determination of the issues presented by the petition.

- 5 4. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the
6 Court and serving it on Respondent within 30 days of the date the answer is filed.
7 5. Respondent may file, within 60 days, a motion to dismiss on procedural grounds, in
8 lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules
9 Governing Section 2254 Cases. If Respondent files such a motion, Petitioner shall file
10 with the Court and serve on Respondent an opposition or statement of non-opposition
11 within 30 days of the date the motion is filed, and Respondent shall file with the Court
12 and serve on Petitioner a reply within 14 days of the date any opposition is filed.

13 **SO ORDERED.**

14 Dated: October 28, 2019

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16 SUSAN VAN KEULEN
17 United States Magistrate Judge
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